

## **NATURAL AREAS ADVISORY COUNCIL MEETING**

June 7, 2011

Environmental Laboratory  
Richards and Robbins Building  
Dover, DE 19901  
9:00AM

### **ATTENDANCE**

#### **Council Members:**

John Williams, Chair  
Jennifer Adkins  
Dave Athey  
Debbie Heaton  
Dean Holden

#### **Guests:**

Andrew Martin  
Ginger North, DNS

#### **Staff:**

Chris Bennett, Parks & Recreation, DNREC  
Eileen Butler, Parks & Recreation, DNREC  
Ron Vickers, Parks & Recreation, DNREC

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### **I. Call to Order/Announcements**

Mr. Williams, Chairperson, called the Natural Areas Advisory Council meeting to order at 9:04 a.m. He welcomed Council members, and staff and asked for announcements.

### **II. Approval of Minutes of Meeting**

Mr. Williams asked for a motion to approve the March 1, 2011 meeting minutes. Council approved the minutes as read.

### **III. Old Business**

- Hearing Report Update – Ms. Butler provided a Technical Response Memorandum (TRM) in February 2011 to the Hearing Officer. The Hearing Officer will use the TRM when crafting the Hearing Report.
- Field Trip – Council discussed combining the September 20, 2011 meeting with a field trip to a Nature Preserve. Council will meet at the DNREC R&R building Environmental Laboratory for a short business meeting, then drive to the Fork Branch Nature Preserve located in Dover. Chris Bennett, Natural Resource Specialist for the Division's Environmental Stewardship Program will give a presentation on future plans for management of the Nature Preserve.

Mr. Williams asked for a motion that Council conduct a short meeting then head out to the field trip. Mr. Athey seconded, motion passed.

### **IV. Natural Areas Registry**

Forms for requests to add/delete sites from the Registry are complete and will be added to a Natural Area website in the future.

**V. Nature Preserve Dedications**

Cape Henlopen State Park will be the focus of the next Nature Preserve dedication, once a management plan for the Nature Preserve is complete, likely late in 2012.

**VI. Nature Preserve Management Issues**

*Update on Management Plans:*

- Pea Patch Island - Staff is preparing the Pea Patch Island Nature Preserve Management Plan.
- Milford Millponds – Ginger North informed the Council that the Isaacs family has donated another 60 acres of wooded wetlands along Johnson Branch. DNS intends to add this piece to the Milford Millponds Nature Preserve through a conservation easement.
- James Branch - Ron Vickers said that staff has begun working on a management plan for trail maintenance. Tree clearing will take place to allow for trail. Access will begin at Hitch Pond Road. A site for two to three cars has been identified and staff is working with DelDOT to obtain an access permit.
- Cedar Creek – Ms. Butler updated the Council on an encroachment issue at the Cedar Creek Nature Preserve. For over three years, a trailer clearly trespassed on Nature Preserve property. It brought with it sewer violations by constructing a makeshift cesspool which was against state code. DNREC's Air & Waste took action and had the trailer removed immediately.
- Pea Patch Island – Chris Bennett shared restoration plans with the Council regarding Pea Patch Island and Freshwater Marsh Nature Preserves:
  - Pea Patch Island - the Nature Preserve, located mostly on the northern part of the island, is mostly made up of marshlands with some fringe upland areas. Staff will focus primarily on reforesting sections of the island.

There are about 2,000 to 2,500 pairs of herons and egrets a year. Since 2003, Chris and others have surveyed once a month beginning in August. Starting from DE City, staff counts all the nests in the trees and conduct an aerial survey to compare year-to-year sites. Staff has noticed a decline in the heronry. Staff has found that nesting birds are killing the trees through the alkaline found in their feces. Staff will plant small trees, i.e. cedars and black gum, to use for nesting and put 5-foot fences up to protect them from the deer. In addition, the plan calls for removing invasive species, especially a primary weed called Mile-a-minute. Work will begin once the birds have left the heronry, some time around the end of August-September.

- Freshwater Marsh – Freshwater Marsh used to be a channel off the Brandywine Creek. Now, it is a wetland separated from the creek and fed by springs. This area is home to an endangered species. The habitat in the marsh is degrading but there is still a healthy population of this species in the Nature Preserve. In an attempt to control invasive species (primarily reed-canary grass and European sweet flag), and return it to a healthier marsh, staff will fence off 4 acres of the Nature Preserve and have two young Belted-Galloway cattle for two year to graze on the invasive species. By the cattle's stomping around, their

hooves would cause pockets for the endangered species to thrive. The cattle will be in the corral for about 8-12 weeks at a time. After this time, we will use minimal herbicide to kill off what is left behind and hopefully the native vegetation will re-emerge. This US Fish & Wildlife Service is funding the project and it will be our responsibility to maintain for 10 years. Cattle are on loan and are free.

## VII. New Business

By-Laws – Section 17, Article No. 3 of the current By-Laws language is vague. The language does not adequately address non-attendance at meetings. At the March 2011 meeting, Council agreed that staff draft language to begin discussion on amending the By-laws. Staff sent a draft to the Chairperson, who added to the draft. The old By-laws read:

Failure to attend three meetings of the Council in a calendar year in the absence of mitigating circumstances, as determined by the Council members, shall be construed as a request by that member to resign from the Council and a replacement shall be appointed for that member. A Council member resigning in this manner shall be notified in writing of the action taken as a result of this failure to attend meetings.

Section 17 was rewritten as follows:

Council members should attend all meetings of the Council in a calendar year in the absence of extenuating circumstances, as determined by Council. In the event a Council member misses more than one Council meeting in a calendar year, with or without advance notice to staff, such action shall be deemed a request by that member to resign from the Council. If such Council member wishes to remain on the Council, he or she shall send written notice of such intent within 20 calendar days of missing the second meeting, requesting to be reinstated on the Council, which may be accepted or rejected by the Council at its next regular meeting by majority vote or with unanimous written consent outside a meeting. Missing a third meeting in a calendar year for any reason shall be deemed to be an **irrevocable** resignation from the Council.

Mr. Williams indicated that there was no problem in missing one meeting; however, if a Council person was to miss two meetings, the Council person would be required to write to Council to provide a reason for missing the second meeting. Finally, if a Council person missed three meetings, then it would be considered an immediate resignation from the Council.

Mr. Athey reminded the Council that the Governor appoints Council members, so the question becomes “Does Council have the right to require a member to resign?” Should there be some sort of communication with the Governor’s office? Mr. Williams said if the Governor wants to reappoint that same person, the Governor can. Ms. Butler informed the Council that staff communicates with the Governor’s office whenever there is an issue with Council membership.

Council is making these changes to the By-laws to (1) encourage attendance and (2) clarify the consequences when a Council member misses meetings in a calendar year.

Mr. Williams asked for a motion to approve changes to Section 17 Article No. 3 to the By-laws of the Natural Areas Advisory Council with the word irrevocable omitted. Mr. Athey made the motion. Motion passed.

Ms. Butler will highlight the changes to the By-laws and email to Council members.

Mr. Athey made a motion that the revised By-laws take effect January 1, 2012. Motion passed.

**VIII. Public Comment and Synopsis Reports From Other Councils, Stakeholders, and Partners**

Mr. Williams said that at the State Parks Council meeting held on May 5, 2011, (1) Clyde Shipman received an award. (2) All State parks will install tobacco bans located in strategic areas. (3) White Clay Creek State Park –The Division held hearings on the Trail Plan and there was concern from certain sectors of the public regarding trails cutting into areas where some endangered birds currently nest. He also indicated that the Friends of WCCSP want to have their own State Park Council in addition to the regular Parks Council. Currently, there is legislation in the Senate to create such a Council. State Parks has a new iPhone; they are promoting their Eat/Munch Better and advertising summer concerts.

Andrew Martin informed Council that his father invited Council to visit his now completed guest house in the Great Cypress Swamp – it should be furnished by the fall.

**IX. Next Meeting and Adjournment**

The next Natural Areas Advisory Council meeting will be held on September 20, 2011.

All 2011 Natural Area Council meetings will be held in DNREC's Environmental Laboratory, in the Richards and Robbins Building, Dover, DE, starting 9:00 am.

Mr. Williams asked for a motion to adjourn. Meeting adjourned at 11:10AM.